

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of

*(Briefly describe the property to be searched
or identify the person by name and address)*Information associated with Instagram account
@frank_e_fresh_206, as described in Attachment A

Case No. MJ23-058

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment A, incorporated herein by reference

located in the Northern District of California, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

21 U.S.C. § 841, 846, 843(b)

Offense Description

Possession with Intent to Distribute Controlled Substances, Conspiracy, Use of Comm. Facility

The application is based on these facts:

- ☒ See Affidavit of Matt Blackburn, continued on the attached sheet.

- ☒ Delayed notice of 90 days (give exact ending date if more than 30 days: 05/09/2023) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☒ by reliable electronic means; or: ☐ telephonically recorded.

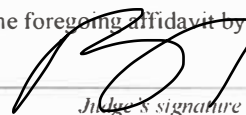
Applicant's signature

Matt Blackburn, Task Force Officer, FBI

Printed name and title

- ☐ The foregoing affidavit was sworn to before me and signed in my presence, or
☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 02/08/2023



Judge's signature

City and state: Seattle, Washington

Brian A. Tsuchida, United States Magistrate Judge

Printed name and title

STATE OF WASHINGTON)
) SS
COUNTY OF KING)

INTRODUCTION AND AGENT BACKGROUND

2. I am a Task Force Officer (TFO) with the Federal Bureau of Investigations (FBI) and have been since June of 2022. I am a duly sworn member of the Seattle Police Department (SPD) and have been employed as a police officer since December of 2007. I am currently assigned to the SPD Gun Violence Reduction Unit (GVRU). In May of 2022, I was assigned as a TFO with the FBI. I am currently assigned to the violent crime, gang, and transnational organized crime squad in the Seattle, Washington Division of the

1 FBI. I have approximately fourteen years of state law enforcement experience. I
2 completed the Washington State Criminal Justice Commissions Basic Law Enforcement
3 academy as well as the SPD Anti-Crime Team School and Undercover School. I have
4 also been trained and have experience in the handling and use of confidential informants.
5 As an SPD officer, I have actively participated in investigations of criminal activity,
6 including but not limited to: crimes against persons, crimes against property, fire and
7 explosives-related crimes, and crimes involving the possession, use, and theft of firearms.
8 I have also been a part of hundreds of narcotic investigations ranging from the street-level
9 sale and consumption of drugs to international drug trafficking organizations. I have
10 been trained in the identification of illegal narcotics, their use, and how they are
11 consumed and distributed. As part of some of these investigations, I have developed and
12 utilized confidential informants. During these investigations, I have also participated in
13 the execution of search warrants and the seizure of evidence indicating the presence of
14 criminal violations. As a law enforcement officer, I have testified under oath, affirmed to
15 applications of search and arrest warrants, and obtained electronic monitoring orders.

16 3. In my role as a police officer and a member of the FBI Safe Streets Task
17 Force, I have participated in gang investigations that have resulted in the arrest of
18 individuals and the seizure of illicit narcotics and/or narcotics-related evidence, firearms,
19 and the forfeiture of narcotics-related assets. I have been involved in the service of
20 federal and state search warrants as part of these investigations. I am also familiar with
21 the manner in which criminals, including gang members/associates, use telephones, often
22 cellular telephones, to conduct their unlawful operations, and how they code their
23 conversations to disguise their unlawful activities.

24 4. I have drafted search warrants, tracking warrants, and other legal process in
25 furtherance of investigations. I have executed search warrants for items such as
26 controlled substances in residences and vehicles. I have used technology to include
27 Global Positioning Systems (GPS) and cameras to monitor and locate subjects of criminal

1 investigations. I have also conducted physical surveillance of persons, places, and things
2 in furtherance of criminal investigations.

3 5. The facts set forth in this Affidavit are based on my own personal
4 knowledge; knowledge obtained from other individuals during my participation in this
5 investigation, including other law enforcement officers; review of documents and records
6 related to this investigation; communications with others who have personal knowledge
7 of the events and circumstances described herein; and information gained through my
8 training and experience. Because this Affidavit is submitted for the limited purpose of
9 establishing probable cause in support of the application for a search warrant, it does not
10 set forth each and every fact that I or others have learned during the course of this
11 investigation.

12 6. Based on my training and experience and the facts as set forth in this
13 affidavit, there is probable cause to believe that violations of the Controlled Substances
14 Act, Title 21, United States Code, Section 801 *et seq.*, have been committed by Frank L.
15 Graves. There is also probable cause to search the information described in Attachment
16 A for evidence, instrumentalities, and/or fruits of these crimes further described in
17 Attachment B.

18 JURISDICTION

19 7. This Court has jurisdiction to issue the requested warrant because it is “a
20 court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a),
21 (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States . . .
22 that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

23 THE INVESTIGATION

24 8. The United States, including the FBI and the SPD, is conducting a criminal
25 investigation of a regional drug trafficking organization, which investigators are referring
26 to as the Graves DTO. The Graves DTO is believed to transport narcotics, including
27 fentanyl-laced pills, from the Las Vegas area to the Seattle area for redistribution. The

1 targets of this investigation include Frank L. Graves (referred to as “Frank Graves”); his
2 son, Frank M. Graves (referred to in this affidavit as “Frank Jr.”); and Lionel Hampton.
3 Investigators believe that Frank Graves is distributing fentanyl-laced pills within the
4 Western District of Washington.

5 9. In February of 2015, Frank Graves was arrested by the Kent Police
6 Department for the sale of Oxycodone pills. At the time of Frank Graves’ arrest, police
7 seized 391 pills from his person, 100 from his vehicle, 259 from his wife’s vehicle, and
8 261 from his residence at 1175 Harrington PL NE, #201, in Renton, Washington. Graves
9 was charged in King County Superior Court and pled guilty to one count of conspiracy to
10 possess with the intent to deliver Oxycodone and one count of unlawful possession of
11 Oxycodone. He was sentenced to 30 days in jail on a work release program and one year
12 under the Washington State Department of Corrections supervision. He is not currently
13 under supervision by any state or federal correction agency.

14 10. In July of 2019, Frank M. Graves (“Frank Jr.”) was involved in a drug
15 transaction where he sold fentanyl pills to two individuals who attempted to rob him.
16 Frank Jr. shot both, killing one, and was shot himself in return. At the time of the
17 shooting, he had over \$11,000 in cash and 500 Oxycodone pills, packaged in groups of
18 100. Frank Jr. was charged with Unlawful Possession of a Firearm and Possession of
19 Narcotics with the intent to Deliver. He plead guilty to Unlawful Possession of Firearms
20 in the Second Degree and received a sentence of 33 months. He is currently serving his
21 sentence in the Olympic Corrections Center – a state prison run by the Washington State
22 Department of Corrections (“DOC”).

23 11. Throughout the course of this investigation, since September of 2022,
24 investigators have been following and reviewing publicly available content shared by the
25 Instagram account @frank_e_fresh_206 (“**Target Account 1**”). **Target Account 1** is
26 believed to be used by Frank Graves because selfie-style photos and videos shared by the
27 account depict Frank Graves, identified by a comparison to his photograph on file with

the Washington Department of Licensing (DOL). Throughout the investigation, the account has been active, often sharing photographs and videos multiple times a day. Much of the publicly available content consists of selfie-style videos featuring Frank Graves speaking into the camera, including videos in which Frank Graves appears to be discussing drug trafficking and advertising his drug trafficking business, in part by showing off a lifestyle that investigators believe is supported by proceeds of his illegal activity.

A. Evidence of Frank Graves's Drug Trafficking

1. *Frank Graves Discusses Drug Trafficking on Recorded Prison Calls*

12. At the beginning of July 2022, Frank Jr. self-surrendered to begin serving his sentence in the conviction described above. During his time in state custody, Frank Jr. has made several calls to his father, Frank Graves, at the phone number (206) 602-8343 (TT1).¹ When calling his father, Frank Jr. used the phone systems at county jails and state prisons, which were recorded. Through the course of the recorded calls to Frank Graves using TT1, Frank Graves used coded language to discuss the fact that he had taken over Frank Jr.'s drug business while Frank Jr. was incarcerated and the challenges that Frank Graves was facing running that business. For example, on October 16, 2022 at 8:28 a.m., Frank Jr. called TT1 and spoke with Frank Graves from Coyote Ridge Correction Center on a recorded line. During the conversation, the following exchange took place:

¹ Based on my review of recorded jail calls and social media accounts for Frank Graves, I am familiar with and recognize his voice as the person who always answers TT1 in Frank Jr.'s calls. Based on my review of jail calls, I further know that Frank Jr. as the person who places the calls described below, because the majority of the calls are associated with him in the respective correctional call systems, and Frank Graves often greets the person calling from the jail as "Frank." Moreover, inmates of the King County Jail and DOC facilities use individual identification, a PIN system, which links every call made to that specific inmate, though it is possible for an inmate to use another inmate's PIN. Based on my training and experience, I know that users of the phone systems at the King County Jail and Washington DOC facilities, including both the incarcerated individuals and the people they call, are warned that the line is recorded prior to each call being connected.

1 Frank Graves (TT1): Carlos, Little Carlos says what's up.

2 Frank Jr.: My Mexican dude?

3 Frank Graves (TT1): Yeah, he says he doesn't do candy, man, he was
4 trying to explain to me his buddy does the candy. He doesn't do it
5 or some shit he was telling me. He's like No I don't do it man I
6 don't know how to do it.

7 Frank Jr.: Are you trying to sell your Cutlass? How much you trying to sell
8 your Cutlass for?

9 13. Based on my training and experience, I know that "candy" is a common
10 slang term used to refer to fentanyl pills. I believe that Frank Graves was commenting on
11 a drug supplier familiar to Frank Jr., telling Frank Jr. that this person, "Carlos," was no
12 longer supplying fentanyl pills. I further believe that Frank Jr., knowing that the call was
13 being recorded, immediately changed the subject to one of Frank Graves's vehicles.

14 14. In addition, while talking to Frank Jr. on the recorded line, Frank Graves
15 could be overheard on some of the recorded calls completing drug transactions with
16 others. For example, in a call from Frank Jr. to TT1 on July 7, 2022, Frank Graves can
17 be overheard completing a drug transaction with an unknown female. On the recorded
18 call, the unknown female asks Frank Graves if he has "any other ones on you," and Frank
19 Graves asks Frank Jr. to hold on. The following discussion can then be heard on the
20 recording:

21 Frank Graves (TT1): I just have the, um, I don't know what happened ... I
22 always do ... I don't know, I'm sorry ... I don't have them on me.
23 You don't like these, right?

24 Female: [unintelligible]

25 Frank Graves (TT1): They are [unintelligible]

26 Female: [unintelligible]

27 Frank Graves (TT1): Man I'm sorry, here. I don't know what happened.

Female: Ok [unintelligible]. Let me take two of those then.

Frank Graves (TT1): 30. I'm sorry about that.

Female: Ok. That's fine. Just hit me later.

15. Based on my training and experience, I believe that Frank Graves is speaking to and conducting a drug transaction with an unknown female who is in the room with him. When he says that he doesn't "know what happened" and "doesn't have them on me," I believe that Frank Graves is apologizing for not having a particular drug that the female wants. The female then says that she will take "two of those" instead, indicating that she will purchase a drug that Frank Graves does have with him. When Frank Graves immediately responds with "30," I believe that he is referring to the price for that quantity of the unknown drug he is providing to the female.

2. Financial Records Show Deposits That Are Indicative of Illegal Activity

16. Investigators conducted a database check and obtained employment information from the Employment Security Department of Washington State for Frank L Graves, which showed no earned wages or income from January 1, 2019 through March 31, 2022. Nevertheless, financial records show that, between January 1, 2022 and October 7, 2022, a bank account at Bank of America in Frank Graves's name received over \$195,000 in cash deposits and over \$170,000 from peer to peer applications, such as Zelle and Cash App. Based on my training and experience, these large deposits in cash and peer-to-peer transactions, which have not been reported as income, indicate that Frank Graves is likely earning money through illegal activity.

17. Moreover, based on my training and experience, I know that drug traffickers who have engaged in the trade for extended periods of time, as investigators suspect Frank Graves has, are unlikely to stop, particularly when they have achieved an elevated standard of living and prestige that are unavailable in other, legitimate business ventures.

3. Suspected Hand-to-Hand Drug Transactions

18. Investigators have conducted physical surveillance of Frank Graves and have observed him conduct suspected hand-to-hand drug transactions. Based on their observations, investigators believe that Frank Graves typically conducts his drug

1 transactions in public parking lots, which he gets to either by walking from his residence
2 at 1175 Harrington PL NE in Renton or by driving one of several vehicles registered to
3 him. Investigators have observed Frank Graves conduct suspected drug deals with
4 several different individuals, with the meetings lasting for short periods of time.
5 Investigators have observed Frank Graves driving multiple vehicles in the time that they
6 have been conducting physical surveillance of him, and he has 6 vehicles registered in his
7 name at the 1175 Harrington PL NE address in Renton. Investigators believe that Frank
8 Graves regularly switches out the vehicles that he uses to conduct his drug trafficking, a
9 tactic commonly used by drug traffickers in an effort to avoid detection by law
10 enforcement or rival drug traffickers.

11 19. For example, on the evening of November 9, 2022, investigators conducted
12 physical surveillance in the parking lot of the Rite Aid located at 3116 Sunset Blvd NE in
13 Renton, Washington, near Frank Graves' residence at 1175 Harrington PL NE.² At
14 approximately 8:10 p.m., investigators saw a white Dodge Ram pickup enter the lot and
15 park one parking spot away. The vehicle appeared to have only one occupant, and it
16 backed into the parking spot and turned out its lights. Nobody exited the vehicle, which
17 is unusual in a commercial parking lot. In my training and experience, drug traffickers
18 will often park in this manner in an effort to appear as a parked car while being able to
19 view any movements by law enforcement and escape rapidly. At 8:19 p.m., investigators
20 saw a light-skinned black male walk up to the driver's side window of the white Dodge
21 Ram. This male was wearing a black puffy coat, a pink hoodie underneath with the hood
22 pulled up and blue jeans with something embroidered on them. Based on the person's
23 physical characteristics, including his height and weight, and clothing, which matched
24 clothing investigators had seen in a video shared by **Target Account 1** earlier in the day
25 (see below), investigators believed that this person was Frank Graves. Investigators saw
26

27 ² Investigators chose this location after Frank Graves mentioned a Rite Aid as a place where he conducts drug transactions in an October 14, 2022 recorded call with Frank Jr.

1 the man hand something through the driver's side window to the occupant of the white
2 truck, and the driver handed something back. The white truck then pulled out and left the
3 parking lot while the man who arrived on foot walked away westbound on NE 12th Street
4 towards Harrington PL NE, where Frank Graves' condo is located. Investigators used
5 their vehicle to follow and then drive next to the man who had arrived on foot, who was
6 looking at a cell phone and had his face illuminated by the screen. At that point,
7 investigators recognized that person as Frank Graves, based on comparison to his
8 Washington State Department of Licensing photo. Based on my training and experience,
9 this short interaction in the parking lot, in which the two individuals met briefly and
10 exchanged something by hand, is consistent with a hand-to-hand drug transaction.

11 20. On November 30, 2022 at 11:59 a.m., GPS data for TT1, obtained pursuant
12 to Court authorization, placed the device within range of the Safeway located at 3820
13 Rainier Avenue South, in Seattle. Investigators arrived in the area to conduct
14 surveillance at approximately 12:00 p.m., locating a light blue 2015 Chevrolet Suburban
15 bearing Washington state license plate number CDL3026 parked directly outside of Mod
16 Pizza in the Safeway shopping center. A records check revealed the vehicle is registered
17 to Frank Lozano Graves at 1175 Harrington Place Northeast, #201, in Renton, and
18 investigators had seen Frank Graves drive the vehicle on previous occasions. At
19 approximately 12:23 p.m., investigators observed a black full-size pickup pull up and
20 park next to the passenger side of the Suburban. A black male with a green hooded
21 sweatshirt with the hood up got out of the driver's seat and got into the front passenger
22 seat of the Suburban. Less than a minute later, the male got back out of the Suburban and
23 into the pickup. The pickup then drove out of the area.

24 21. At approximately 12:32 p.m., another unknown black male appearing to be
25 in his late 30s and wearing a black sweatsuit walked up to the driver's door of the
26 Suburban. Investigators then observed Frank Graves, identified based on a comparison to
27 his DOL photograph, exit the driver's side of the Suburban. Frank Graves and the

1 unknown male then went to the trunk of the Suburban and appeared to look at something
2 in the trunk. Frank Graves reached into the baggage area and pulled an item out, holding
3 it close to his body, in one hand. Investigators conducting physical surveillance could not
4 see what that item was and believed, based on training and experience, that Frank Graves
5 was attempting to conceal the nature of that package. Frank Graves quickly closed the
6 trunk and got back into the driver's seat, while the unknown male got into the front
7 passenger seat. Approximately two minutes later, the unknown male got out of the
8 Suburban and walked away southbound in the parking lot. Frank Graves then drove out
9 of the area in the Suburban. Based on my training and experience, the location of the
10 meetings between Frank Graves and the unknown males in a public parking lot, the short
11 duration of these meetings, prior physical surveillance of Frank Graves conducting
12 suspected drug transactions in public parking lots, and the recorded phone calls discussed
13 above, I believe that Frank Graves was conducting drug transactions with these unknown
14 males in the Suburban.

15 **B. Frank Graves' Use of Target Account 1**

16 22. Frank Graves regularly uses **Target Account 1**, which has posted videos
17 and photos almost daily during the course of this investigation. These videos and photos
18 most often detail and demonstrate Frank Graves' outfit of the day (investigators have not
19 seen him wear the same set of clothing twice), his many vehicles, or his largesse – giving
20 away clothing, shoes, items, or money. While Frank Graves alludes to his drug
21 trafficking business in some of these videos (detailed below), the majority of the content
22 shared by **Target Account 1** shows portions of his daily life, his affluence (multiple cars,
23 expensive clothing), and his largesse to others. Based on my training and experience, I
24 believe that these videos and photographs act as an advertisement for Frank Graves' drug
25 trafficking business and his lifestyle funded by the proceeds of his illegal activity.

26 23. For example, on November 9, 2022 at approximately 3:00 p.m., **Target**
27 **Account 1** posted a video in which Frank Graves can be seen wearing a pink hoodie

1 | sweatshirt beneath a black, puffy coat, and blue jeans with stars embroidered on them
 2 | (the same outfit investigators observed him wearing when he conducted a suspected drug
 3 | transaction later that day, as described above). In the video, Frank Graves spoke the
 4 | following to the camera:

5 | Frank Graves: If you want a thrill in your life, put a pill in your life.

6 | [As he said this, he mimicked flipping something into his mouth.]

7 | Frank Graves: For rig-a-deal fo shig-a-dil. Fresh Fresh man. I mean. Out here
 8 | doing the [unintelligible] man. It aint gonna stop. Every since I was a
 9 | youngster man, I've been doing this shit man. Running. Fast man. Doing
 10 | my thing thing. You know what I mean. Elvis mother-fucking-freshly
 11 | man.

12 | 24. Based on my training and experience, I believe that Frank Graves is
 13 | advertising his drug trafficking business in this video. First, he encourages people to take
 14 | pills – likely fentanyl pills. Based on my training and experience, I believe that
 15 | individuals looking for pills would understand from this video that they could contact
 16 | Frank Graves for them. He then brags that he has been doing his “thing thing” from a
 17 | young age. Based on the fact that Frank Graves has no known legitimate income from
 18 | 2019 to early 2022, I believe he is stating that he has been dealing drugs since he was
 19 | young.

20 | 25. On December 1, 2022, at approximately 10:00 a.m., **Target Account 1**
 21 | shared a publicly viewable video in which Frank Graves can be seen wearing an orange
 22 | hoodie sweatshirt beneath a white and black letterman's style jacket and an orange
 23 | beanie. Frank Graves then spoke the following to the camera:

24 | Frank Graves: Man, about my paper [money] man. You guys, about your money,
 25 | they be like 'it's snowing, it's this, it's that.' Hey, I'll wouldn't give a
 26 | damn if it was snow, ah, nails man. I'm getting out and getting my money,
 27 | man. If I'm in a wheelchair, I'm gonna be rolling to the block. Man, you
 28 | know what I'm saying. I wouldn't give a fuck. Aint nothing gonna stop
 29 | me from getting some money, man. Believe that, man. Elvis Freshly, man.
 30 | I'm a hustler's hustler, man. Franke Yadedda Hollar. I mean. Shit you
 31 | can't do nothing without the money, you know what I mean. So don't let
 32 | shit stop you from getting some mother-fucking paper [money], man. At

1 all costs, man, get your money, man. You know. Be a duffle-bag boy. I
 2 mean. You know. Yeah. But anyway. I just be. A little motivation for
 3 this morning. Man, don't let shit stop you. I don't give a fuck if it was a
 4 blizzard, man. I'm getting out the fuck here and getting some of my mother
 5 fucking –

6 26. At this point in the video, it cuts off. Based on my training and experience,
 7 I believe that Frank Graves is discussing his drug trafficking business in this video. I
 8 know that that, on December 1, 2022, there was a significant snowstorm in the Seattle
 9 area. In the video, Frank Graves is saying that he would not let the snow get in the way
 10 of making “paper,” a common slang term for money. Based on my training and
 11 experience, I believe that individuals looking for drugs would understand from this video
 12 that Frank Graves remained open for business during the snowstorm, while other drug
 13 suppliers may not. Frank Graves also says that he is a “hustler’s hustler,” with “hustler”
 14 being a term commonly used to refer to a drug dealer.

15 27. On December 7, 2022, at approximately 12:00 p.m., **Target Account 1**
 16 shared a publicly viewable video in which Frank Graves can be seen wearing a yellow
 17 hoodie sweatshirt beneath a yellow jacket and yellow-accented running shoes. Frank
 18 Graves then spoke the following to the camera:

19 Frank Graves: I just took a pause in my little daily routine, man. Out here doing
 20 my “thing thing,” man. You know. Out here in Columbia City, man.
 21 What’s you guys know about Columbia City, man. When I used to do my
 22 thing back in the day, man. Caught a couple cases in Columbia City.
 23 [Laughs] Trying to blow the area up. Man. But they done kinda gentrified
 24 it now. Aint to more. Aint too many more n***as over here. There is a
 25 couple but it aint, you know, everything is turning gentrified or whatever.
 26 But yeah man. I used to blow this area up, man. It was my old stomping
 27 grounds, man. But, you grow, you get older, you get wiser, man. Fresh
 28 Fresh baby. I mean. Man. Get, get the cheddar [money], man. Yeah.

29 28. In this video, I believe that Graves is referencing his narcotics career in the
 30 Columbia City neighborhood as a youth and comparing to that same career now. Based
 31 on my training and experience, I know that Columbia City is a neighborhood in the south
 32

1 end of Seattle along Rainer Ave, roughly between Martin Luther King JR WY S to the
2 north and S Graham ST to the south. I also know that “caught a couple cases” is a
3 reference to having been arrested, though investigators have not been able to find records
4 of arrests for Frank Graves as a young man in Columbia City. In this video, Frank
5 Graves repeats the use of the phrase “thing thing” when referring to his drug trafficking
6 business.

7 29. On December 23, 2022, investigators received Court authorization to install
8 and use a pen register/trap and trace device on **Target Account 1**. Almost every day
9 since, **Target Account 1** has sent and received direct messages from other Instagram
10 users. Investigators have been able to identify the possible users of some of the accounts
11 that have been in contact with **Target Account 1** as family members of Frank Graves’
12 suspected co-conspirators and known Seattle area gang members who have been involved
13 in drug trafficking in the past. For example, **Target Account 1** has exchanged direct
14 messages with @lj_hampton, believed to be used by Lionel Hampton Jr., the son of
15 Frank Graves’ suspected co-conspirator Lionel Hampton. In addition, **Target Account 1**
16 exchanged direct messages with @thomascallandret, believed to be used by Thomas
17 Callendret, the brother of suspected co-conspirator Cornell Callandret. **Target Account**
18 **1** has also sent or received messages with the account @206debonair on December 26
19 and 27, 2022, and January 29 and 30, 2023. The account @206debonair identifies its
20 user as Devvenorre Dallas, and the publicly viewable content for the account included
21 several photos of a black male with a short hair, approximately 30 years old.
22 Investigators compared these photos with the DOL photo for Devvenore D Dallas and
23 confirmed that they are the same person. Investigators believe that Devvenore Dallas
24 was involved in drug trafficking in the Seattle area until at least 2021, when he was
25 convicted for unlawful possession of a firearm and possession of a controlled
26 substance. Moreover, records from law enforcement databases show that, in September
27 of 2019, Devvenore Dallas was contacted by Port of Seattle police after flying from

1 Atlanta to Seattle. A drug detection dog alerted to his luggage and officers found over
2 \$3,000 dollars in cash with traces of narcotics residue on them, which officers seized
3 after Devvenore Dallas claimed not to know how it got in his luggage. I know, based on
4 my training and experience, that drug traffickers often conduct their business in cash and
5 will travel with large quantities of U.S. currency, including on flights. During that stop,
6 officers photographed Devvenore Dallas, and investigators have confirmed that the
7 person in those photographs is also the person pictured in the Instagram account
8 @206deboinair.

9 30. Pen register/trap and trace information also shows that **Target Account 1**
10 exchanges direct messages with several other accounts on a regular basis each week,
11 leading investigators to believe that some of these accounts could be drug redistributors
12 or customers. While regular innocent communication between acquaintances or friends
13 occurs on Instagram, I also know, based on my training and experience, that individuals
14 engaged in the redistribution or use of controlled substances need to be regularly
15 supplied, and will often return to the same trusted supplier. I therefore believe that some
16 of these communications will contain information about Frank Graves' drug trafficking
17 activity.

18 31. On October 27, 2022, investigators submitted a preservation request to
19 Meta, requesting that information relating to **Target Account 1** be preserved through
20 April 20, 2023.

21 32. Based on the foregoing, I respectfully submit there is probable cause to
22 believe that that Frank Graves is using his Instagram account in furtherance of drug
23 trafficking, including violations of Title 21 of the United States Code. While the majority
24 of the publicly viewable content on **Target Account 1** consists of selfie-style videos and
25 images of friends, Frank Graves often records himself in the middle of the day, when
26 investigators believe he is doing his "thing thing," or making drug deliveries. In the
27 videos detailed above, Graves discusses his drug trafficking business using coded

1 language. As such, those videos act as advertising for his drug trafficking business. I
 2 believe this entire account, where Frank Graves shows off the lifestyle made possible by
 3 his drug trafficking, acts as further advertising for that business. Based on the identities of
 4 the users of some of the accounts with which **Target Account 1** exchanges messages, the
 5 regularity of some of the messaging between accounts, and the fact that **Target Account**
 6 **1** appears to be used as advertising for Frank Graves' drug trafficking business, I believe
 7 that communications relating to drug trafficking or money laundering will be found in
 8 those messages.

9 **BACKGROUND REGARDING INSTAGRAM'S SERVICES³**

10 33. Instagram is a service owned by Meta, a United States company and a
 11 provider of an electronic communications service as defined by 18 U.S.C. §§ 3127(1) and
 12 2510. Specifically, Instagram is a free-access social networking service, accessible
 13 through its website and its mobile application, that allows subscribers to acquire and use
 14 Instagram accounts, like the target account(s) listed in Attachment A, through which
 15 users can share messages, multimedia, and other information with other Instagram users
 16 and the general public.

17 34. Meta collects basic contact and personal identifying information from users
 18 during the Instagram registration process. This information, which can later be changed
 19 by the user, may include the user's full name, birth date, gender, contact e-mail
 20 addresses, physical address (including city, state, and zip code), telephone numbers,
 21 credit card or bank account number, and other personal identifiers. Meta keeps records of
 22 changes made to this information.

23 35. Meta also collects and retains information about how each user accesses
 24 and uses Instagram. This includes information about the Internet Protocol ("IP")
 25

26 ³ The information in this section is based on information published by Meta on its Instagram
 27 website, including, but not limited to, the following webpages: "Privacy Policy,"
<https://privacycenter.instagram.com/policy/>; "Information for Law Enforcement,"
<https://help.instagram.com/494561080557017>; and "Help Center," <https://help.instagram.com>.

1 addresses used to create and use an account, unique identifiers and other information
2 about devices and web browsers used to access an account, and session times and
3 durations.

4 36. Each Instagram account is identified by a unique username chosen by the
5 user. Users can change their usernames whenever they choose but no two users can have
6 the same usernames at the same time. Instagram users can create multiple accounts and,
7 if “added” to the primary account, can switch between the associated accounts on a
8 device without having to repeatedly log-in and log-out.

9 37. Instagram users can also connect their Instagram and Facebook accounts to
10 utilize certain cross-platform features, and multiple Instagram accounts can be connected
11 to a single Facebook account. Instagram accounts can also be connected to certain third-
12 party websites and mobile apps for similar functionality. For example, an Instagram user
13 can “tweet” an image uploaded to Instagram to a connected Twitter account or post it to a
14 connected Facebook account, or transfer an image from Instagram to a connected image
15 printing service. Meta maintains records of changed Instagram usernames, associated
16 Instagram accounts, and previous and current connections with accounts on Meta and
17 third-party websites and mobile apps.

18 38. Instagram users can “follow” other users to receive updates about their
19 posts and to gain access that might otherwise be restricted by privacy settings (for
20 example, users can choose whether their posts are visible to anyone or only to their
21 followers). Users can also “block” other users from viewing their posts and searching for
22 their account, “mute” users to avoid seeing their posts, and “restrict” users to hide certain
23 activity and prescreen their comments. Instagram also allows users to create a “close
24 friends list” for targeting certain communications and activities to a subset of followers.

25 39. Users have several ways to search for friends and associates to follow on
26 Instagram, such as by allowing Meta to access the contact lists on their devices to identify
27 which contacts are Instagram users. Meta retains this contact data unless deleted by the
user and periodically syncs with the user’s devices to capture changes and additions.

1 Users can similarly allow Meta to search an associated Facebook account for friends who
2 are also Instagram users. Users can also manually search for friends or associates.

3 40. Each Instagram user has a profile page where certain content they create
4 and share (“posts”) can be viewed either by the general public or only the user’s
5 followers, depending on privacy settings. Users can customize their profile by adding
6 their name, a photo, a short biography (“Bio”), and a website address.

7 41. One of Instagram’s primary features is the ability to create, edit, share, and
8 interact with photos and short videos. Users can upload photos or videos taken with or
9 stored on their devices, to which they can apply filters and other visual effects, add a
10 caption, enter the usernames of other users (“tag”), or add a location. These appear as
11 posts on the user’s profile. Users can remove posts from their profiles by deleting or
12 archiving them. Archived posts can be reposted because, unlike deleted posts, they
13 remain on Meta’s servers.

14 42. Users can interact with posts by liking them, adding or replying to
15 comments, or sharing them within or outside of Instagram. Users receive notification
16 when they are tagged in a post by its creator or mentioned in a comment (users can
17 “mention” others by adding their username to a comment followed by “@”). An
18 Instagram post created by one user may appear on the profiles or feeds of other users
19 depending on a number of factors, including privacy settings and which users were
20 tagged or mentioned.

21 43. An Instagram “story” is similar to a post but can be viewed by other users
22 for only 24 hours. Stories are automatically saved to the creator’s “Stories Archive” and
23 remain on Meta’s servers unless manually deleted. The usernames of those who viewed
24 a story are visible to the story’s creator until 48 hours after the story was posted.

25 44. Instagram allows users to broadcast live video from their profiles. Viewers
26 can like and add comments to the video while it is live, but the video and any user
27 interactions are removed from Instagram upon completion unless the creator chooses to
send the video to IGTV, Instagram’s long-form video app.

1 45. Instagram Direct, Instagram's messaging service, allows users to send
2 private messages to select individuals or groups. These messages may include text,
3 photos, videos, posts, videos, profiles, and other information. Participants to a group
4 conversation can name the group and send invitations to others to join. Instagram users
5 can send individual or group messages with "disappearing" photos or videos that can
6 only be viewed by recipients once or twice, depending on settings. Senders can't view
7 their disappearing messages after they are sent but do have access to each message's
8 status, which indicates whether it was delivered, opened, or replayed, and if the recipient
9 took a screenshot. Instagram Direct also enables users to video chat with each other
10 directly or in groups.

11 46. Instagram offers services such as Instagram Checkout and Facebook Pay
12 for users to make purchases, donate money, and conduct other financial transactions
13 within the Instagram platform as well as on Facebook and other associated websites and
14 apps. Instagram collects and retains payment information, billing records, and
15 transactional and other information when these services are utilized.

16 47. Instagram has a search function which allows users to search for accounts
17 by username, user activity by location, and user activity by hashtag. Hashtags, which are
18 topical words or phrases preceded by a hash sign (#), can be added to posts to make them
19 more easily searchable and can be "followed" to generate related updates from Instagram.
20 Meta retains records of a user's search history and followed hashtags.

21 48. Meta collects and retains location information relating to the use of an
22 Instagram account, including user-entered location tags and location information used by
23 Meta to personalize and target advertisements.

24 49. Meta uses information it gathers from its platforms and other sources about
25 the demographics, interests, actions, and connections of its users to select and personalize
26 ads, offers, and other sponsored content. Meta maintains related records for Instagram
27 users, including information about their perceived ad topic preferences, interactions with
ads, and advertising identifiers. This data can provide insights into a user's identity and
activities, and it can also reveal potential sources of additional evidence.

1 50. In some cases, Instagram users may communicate directly with Meta about
2 issues relating to their accounts, such as technical problems, billing inquiries, or
3 complaints from other users. Social networking providers like Meta typically retain
4 records about such communications, including records of contacts between the user and
5 the provider's support services, as well as records of any actions taken by the provider or
6 user as a result of the communications.

7 51. For each Instagram user, Meta collects and retains the content and other
8 records described above, sometimes even after it is changed by the user (including
9 usernames, phone numbers, email addresses, full names, privacy settings, email
10 addresses, and profile bios and links).

11 52. In my training and experience, evidence of who was using Instagram and
12 from where, and evidence related to criminal activity of the kind described above, may be
13 found in the files and records described above. This evidence may establish the "who,
14 what, why, when, where, and how" of the criminal conduct under investigation,
15 specifically drug trafficking and the identification of customers, thus enabling the United
16 States to establish and prove each element or, alternatively, to exclude the innocent from
17 further suspicion.

18 53. For example, the stored communications and files connected to an
19 Instagram account may provide direct evidence of the offenses under investigation.
20 Based on my training and experience, instant messages, voice messages, photos, and
21 videos are often created and used in furtherance of criminal activity, including to
22 communicate and facilitate the offenses under investigation. Messages sent directly to
23 **Target Account 1** after the account has shared a post advertising Frank Graves' drug
24 trafficking business may identify drug redistributors and customers, and information such
25 as IP addresses used to access the account at relevant times may aid investigators in
26 identifying the location of Frank Graves' redistributors, suppliers, and other co-
27 conspirators. Stored communications and files may also contain information relating to
Frank Graves' sources of income (legitimate and illegitimate), methods and means of
laundering drug proceeds, and purchases made with drug proceeds.

1 54. Account activity may also provide relevant insight into the account owner's
2 state of mind as it relates to the offenses under investigation. For example, information
3 on the account may indicate the owner's motive and intent to commit a crime (e.g.,
4 information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting
5 account information in an effort to conceal evidence from law enforcement).

6 55. Other information connected to the use of Instagram may lead to the
7 discovery of additional evidence. For example, associated and linked accounts, such as
8 additional social media accounts, stored communications, photos, and videos may reveal
9 services used to communicate with co-conspirators. The identification of additional
10 social media accounts may also reveal communication platforms used by Frank Graves to
11 communicate with co-conspirators (*i.e.*, "dirty" accounts) that are not publicly associated
12 with Frank Graves or viewable by investigators. In addition, stored communications,
13 contact lists, photos, and videos can lead to the identification of co-conspirators and
14 instrumentalities of the crimes under investigation. Searches conducted by Frank Graves
15 using **Target Account 1** can also lead to the identification of co-conspirators or
16 purchases made with drug proceeds.

17 56. Therefore, Meta's servers are likely to contain stored electronic
18 communications and information concerning subscribers and their use of Instagram. In
19 my training and experience, such information may constitute evidence of the crimes
20 under investigation including information that can be used to identify the account's user
21 or users.

22 **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

23 57. Pursuant to Title 18, United States Code, Section 2703(g), this application
24 and affidavit for a search warrant seeks authorization to permit Meta, and its agents and
25 employees, to assist agents in the execution of this warrant. Once issued, the search
26 warrant will be presented to Meta with direction that it identify the Instagram account
27 described in Attachment A to this affidavit, as well as other subscriber and log records
associated with the accounts, as set forth in Section I of Attachment B to this affidavit.

1 58. The search warrant will direct Meta to create an exact copy of the specified
2 account and records.

3 59. I, and/or other law enforcement personnel will thereafter review the copy of
4 the electronically stored data, and identify from among that content those items that come
5 within the items identified in Section II to Attachment B, for seizure.

6 60. Analyzing the data contained in the forensic image may require special
7 technical skills, equipment, and software. It could also be very time-consuming.
8 Searching by keywords, for example, can yield thousands of “hits,” each of which must
9 then be reviewed in context by the examiner to determine whether the data is within the
10 scope of the warrant. Merely finding a relevant “hit” does not end the review process.
11 Keywords used originally need to be modified continuously, based on interim results.
12 Certain file formats, moreover, do not lend themselves to keyword searches, as keywords,
13 search text, and many common e-mail, database and spreadsheet applications do not store
14 data as searchable text. The data may be saved, instead, in proprietary non-text format.
15 And, as the volume of storage allotted by service providers increases, the time it takes to
16 properly analyze recovered data increases, as well. Consistent with the foregoing,
17 searching the recovered data for the information subject to seizure pursuant to this
18 warrant may require a range of data analysis techniques and may take weeks or even
19 months. All forensic analysis of the data will employ only those search protocols and
20 methodologies reasonably designed to identify and seize the items identified in Section II
21 of Attachment B to the warrant.

22 61. Based on my experience and training, and the experience and training of
23 other agents with whom I have communicated, it is necessary to review and seize a
24 variety of e-mail communications, chat logs and documents, that identify any users of the
25 subject account and e-mails sent or received in temporal proximity to incriminating e-
26 mails that provide context to the incriminating communications.
27

1 **CONCLUSION**

2 62. Based on the forgoing, I request that the Court issue the proposed search
 3 warrant. This Court has jurisdiction to issue the requested warrant because it is “a court
 4 of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a),
 5 (b)(1)(A) & (c)(1)(A). Specifically, the Court “a district court of the United States . . .
 6 that - has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).
 7 Pursuant to 18 U.S.C. § 2703(g), the government will execute this warrant by serving the
 8 warrant on Meta. Because the warrant will be served on Meta, who will then compile the
 9 requested records and data, reasonable cause exists to permit the execution of the
 10 requested warrant at any time in the day or night. Accordingly, by this Affidavit and
 11 Warrant, I seek authority for the government to search all of the items specified in
 12 Section I, Attachment B (attached hereto and incorporated by reference herein) to the
 13 Warrant, and specifically to seize all of the data, documents and records that are
 14 identified in Section II to that same Attachment.

15
 16 

17 _____
 18 Matthew Blackburn, Affiant
 19 Task Force Officer, FBI

20 The above-named agent provided a sworn statement to the truth of the foregoing
 21 affidavit by telephone on this 8th day of February, 2023.

22
 23 

24 _____
 25 BRIAN A. TSUCHIDA
 26 United States Magistrate Judge
 27